

Agency 99

## Kansas Department of Agriculture— Division of Weights and Measures

*Articles*

- 99-25. TECHNICAL REQUIREMENTS FOR WEIGHING AND MEASURING DEVICES.  
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**Article 25.—TECHNICAL  
REQUIREMENTS FOR WEIGHING AND  
MEASURING DEVICES**

**99-25-1. Adoption by reference, exceptions; availability of copies.** (a) The document titled “specifications, tolerances, and other technical requirements for weighing and measuring devices, as adopted by the 96th national conference on weights and measures 2011,” published by the national institute of standards and technology (NIST), Gaithersburg, MD, as the 2012 edition of NIST handbook 44, is hereby adopted by reference, with the following exceptions:

- (1) Section 3.31.UR.2.2;
- (2) sections 5.56.(a) and 5.56.(b);
- (3) in appendix A, sections 1 and 6; and
- (4) in appendix B, sections 1 and 2.

(b) The adopted portions of NIST handbook 44 shall apply to commercial, data-gathering, and weighing and measuring devices in the state.

(c) Each vehicle-mounted metering system manufactured on or after January 1, 1995 shall be equipped with a ticket printer. A copy of the ticket issued by the vehicle-mounted metering system shall be given to the customer at the time of delivery or as otherwise specified by the customer.

(d) Copies of the handbook adopted by this regulation or pertinent portions from it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 83-207; implementing K.S.A. 2012 Supp. 83-202; effective May 1, 1979; amended May 1, 1981; amended May 1, 1986; amended Aug. 14, 1989; amended Oct. 21, 1991; amended March 6, 1998; amended March 5, 1999; amended Jan. 18, 2002; amended Aug. 26, 2005; amended Feb. 8, 2008; amended Sept. 3, 2010; amended Aug. 23, 2013.)

**99-25-5. Technical representative license application and renewal.** (a) Each person applying for a technical representative license or renewal of a license shall submit an application on a form provided by the department of agriculture (“department”).

(b)(1) Each license shall be issued or renewed if the technical representative performs the following:

(A) Completes and submits the application form provided by the department;

(B) successfully completes the continuing education seminar conducted by the department in approved subjects during the effective period of the technical representative’s license;

(C) pays an attendance fee of \$20 for the continuing education seminar; and

(D) obtains a score of at least 80 percent on the examination administered by the department.

(2) Each technical representative license shall expire annually on June 30.

(c) Each service company shall verify and maintain records documenting that each technical representative employed by the service company has satisfactorily completed the required training. (Authorized by K.S.A. 83-207; implementing K.S.A. 2008 Supp. 83-302 and K.S.A. 2008 Supp. 83-404; effective March 6, 1998; amended May 8, 2009.)

**99-25-9. Adoption by reference.** Except as specified in subsection (c), the following uniform regulations published by the national institute of standards and technology (NIST), Gaithersburg, MD, in the 2012 edition of NIST handbook 130, titled “uniform laws and regulations in the areas of legal metrology and engine fuel quality, as adopted by the 96th national conference on weights and measures 2011,” are

hereby adopted by reference and shall apply to weighing and measuring devices in the state: (a) “Uniform packaging and labeling regulation”;

(b) “uniform regulation for the method of sale of commodities”; and

(c) “uniform engine fuels and automotive lubricants regulation,” except for the following sections:

(1) 2.1.2, which caps ethanol at 10 percent;

(2) 2.15, which pertains to the testing standard for B100 biodiesel;

(3) 2.16, which pertains to the testing standard for biodiesel blends; and

(4) 3.2.6, which pertains to oxygenates.

Copies of the adopted material or the pertinent portions of it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 55-442 and K.S.A. 83-207; implementing K.S.A. 55-442 and K.S.A. 2012 Supp. 83-202; effective Jan. 18, 2002; amended Aug. 26, 2005; amended Feb. 8, 2008; amended Sept. 3, 2010; amended Aug. 23, 2013.)

**99-25-12. Adoption by reference.** The document titled “checking the net contents of packaged goods, as adopted by the 89th national conference on weights and measures 2004,” including the appendices, published by the national institute of standards and technology (NIST), Gaithersburg, MD in January 2005 as NIST handbook 133 is hereby adopted by reference. (Authorized by and implementing K.S.A. 83-207 and K.S.A. 2009 Supp. 83-202; effective Sept. 3, 2010.)

#### Article 26.—FEES

**99-26-1. Fees.** (a) The following fees and other necessary and incidental expenses incurred shall be charged for requested services rendered by the secretary or the secretary’s authorized representative in conjunction with the testing, proving, or evaluation of weights, measures, and devices, at the following rates:

(1) The testing and proving of mass, volume, length, and other standards by the metrology laboratory at the rate of \$50.00 per hour or fraction thereof;

(2) the testing and proving of a grain hopper scale and any weights, measures, and other related

devices at the rate of \$50.00 per hour or fraction thereof; and

(3) conducting or assisting with an evaluation for a national conference on weights and measures certificate of conformance at the rate of \$95.00 per hour or fraction thereof.

(b) In addition to the hourly rates specified in subsection (a), expenses incurred by personnel, including meals, lodging, transportation, and mileage to and from their duty station to the point of testing, equipment, and other necessary and incidental expenses, may be charged. (Authorized by K.S.A. 83-207 and K.S.A. 2008 Supp. 83-214; implementing K.S.A. 2008 Supp. 83-214; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983; amended, T-99-11-14-90, Nov. 14, 1990; amended Jan. 14, 1990; amended June 9, 2000; amended Jan. 18, 2002; amended May 8, 2009.)

#### Article 40.—PETROLEUM MEASUREMENT

**99-40-3. Invoice disclosure requirements for wholesalers and distributors of gasoline and diesel fuel.** (a) Each distributor or wholesaler of gasoline and diesel fuel shall provide the following information to the purchaser at the time of delivery:

(1) The minimum octane of the product as determined by the (R+M)/2 method;

(2) for diesel fuel, the grade, minimum flash point, and American petroleum institute gravity of the product;

(3) the terminal of origin of the product;

(4) the destination of the product;

(5) the name of the wholesaler, if different from the distributor or point of origin;

(6) the quantity of each type of product delivered;

(7) the percentage of ethanol if more than one percent; and

(8) the percentage of biodiesel fuel if more than one percent.

(b) The information required in subsection (a) shall be provided to the purchaser in writing.

(c) For the purposes of this regulation, the term “purchaser” shall mean a wholesaler, distributor, or retailer. (Authorized by K.S.A. 55-442 and K.S.A. 83-207; implementing K.S.A. 55-424, K.S.A. 55-442, and K.S.A. 83-206; effective Jan. 14, 1991; amended Jan. 18, 2002; amended Aug. 23, 2013.)